

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DAWN BRIGHTFIELD,

Plaintiff,

- against -

AMAN RESORTS GROUP LIMITED

Defendant.

Docket No. 1:20-cv-3823

JURY TRIAL DEMANDED

**COMPLAINT**

Plaintiff Dawn Brightfield (“Brightfield” or “Plaintiff”) by and through her undersigned counsel, as and for her Complaint against Defendant Aman Resorts Group Limited (“Aman Resorts Group” or “Defendant”) hereby alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of a copyrighted photograph of an aerial view of Fifth Avenue in New York City, owned and registered by Brightfield, a professional photographer. Accordingly, Brightfield seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

**JURISDICTION AND VENUE**

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. Upon information and belief, this Court has personal jurisdiction over Defendant because Defendant resides and/or transacts business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

### **PARTIES**

5. Brightfield is a professional photographer in the business of licensing her photographs for a fee having a usual place of business at 221 N. Salle, Suite 1510, Chicago, Illinois 60601.

6. Upon information and belief, Aman Resorts Group is a limited business corporation with a place of business at 730 5<sup>th</sup> Avenue, New York, New York 10019. Upon information and belief, Aman Resorts Group is registered with the New York State Department of Corporations to do business in New York. At all times material hereto, Aman Resorts Group has owned and operated a website at the URL: [www.Aman.com](http://www.Aman.com) (the “Website”).

### **STATEMENT OF FACTS**

#### **A. Background and Plaintiff’s Ownership of the Photograph**

7. Brightfield photographed an aerial view of Fifth Avenue in New York City (the “Photograph”). A true and correct copy of the Photograph is attached hereto as Exhibit A.

8. Brightfield is the author of the Photograph and has at all times been the sole owner of all right, title and interest in and to the Photograph, including the copyright thereto.

9. The Photograph was registered with United States Copyright Office and was given Copyright Registration Number VA 2-200-786.

#### **B. Defendant’s Infringing Activities**

10. Aman Resorts Group ran the Photograph on the banner of Website to promote their New York City hotel. A screenshot of the Photograph on the Website is attached hereto as Exhibit B.

11. Aman Resorts Group did not license the Photograph from Plaintiff for its Website, nor did Aman Resorts Group have Plaintiff's permission or consent to publish the Photograph on its Website.

**CLAIM FOR RELIEF**  
**(COPYRIGHT INFRINGEMENT AGAINST DEFENDANT)**  
**(17 U.S.C. §§ 106, 501)**

12. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-11 above.

13. Aman Resorts Group infringed Plaintiff's copyright in the Photograph by reproducing and publicly displaying the Photograph on the Website. Aman Resorts Group is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photograph.

14. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

15. Upon information and belief, the foregoing acts of infringement by Aman Resorts Group have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

16. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and Defendant's profits pursuant to 17 U.S.C. § 504(b) for the infringement.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant Aman Resorts Group be adjudged to have infringed upon Plaintiff's copyrights in the Photograph in violation of 17 U.S.C §§ 106 and 501;
2. That Plaintiff be awarded Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photograph;
3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded punitive damages for copyright infringement;
5. That Plaintiff be awarded attorney's fees and costs;
6. That Plaintiff be awarded pre-judgment interest; and
7. Such other and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York  
May 15, 2020

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